

AQ 272

Exemption for Drums Storing Pyrophoric Catalyst

LAC 33:III.1502,1503,1507,1511,1513

<p>(1)(C). Organic Testing</p> <p>During the first 12 consecutive months of this exclusion, BFI Colonial must collect and analyze monthly one grab sample of the leachate. These monthly representative grab samples must be analyzed for the constituents listed in condition (3)(B) prior to disposal of the leachate. BFI Colonial must report to the department the landfill operating conditions and analytical data (reported in milligrams per liter) for acenaphthene; anthracene; benzene; bis (2-ethylhexyl) phthalate; 2-butanone; m, p-cresol; o-cresol; diethyl phthalate; ethylbenzene; 2-hexanone; methyl isobutyl ketone; 2-methylnaphthalene; naphthalene; phenanthrene; phenol; toluene; and total xylenes; including quality control information. If the department and BFI Colonial concur that the analytical results obtained during the 12 monthly testing periods have been significantly below the delisting levels in condition (3)(B), then BFI Colonial may replace the organic testing required in condition (1)(C) with the organic testing required in condition (1)(D). Condition (1)(C) shall remain effective until this concurrence is reached.</p>
<p>(1)(D). Subsequent Organic Testing</p> <p>Following concurrence by the department, BFI Colonial may substitute the following testing conditions for those in condition (1)(C). BFI Colonial must continue to monitor operating conditions and analyze one quarterly grab sample representative of normal operations. BFI Colonial must report to the department the landfill operating conditions and analytical data (reported in milligrams per liter) for acenaphthene; anthracene; benzene; bis (2-ethylhexyl) phthalate; 2-butanone; m, p-cresol; o-cresol; diethyl phthalate; ethylbenzene; 2-hexanone; methyl isobutyl ketone; 2-methylnaphthalene; naphthalene; phenanthrene; phenol; toluene; and total xylenes; including quality control information. This quarterly representative grab sample must be collected during the first month of each quarterly period and analyzed for the constituents listed in condition (3)(B) prior to disposal of the leachate. If delisting levels for any organic constituents listed in condition (3)(B) are exceeded in the quarterly sample, BFI Colonial must re-institute testing as required in condition (1)(C). BFI Colonial may, at its discretion, analyze grab samples gathered more frequently to demonstrate that smaller batches of waste are nonhazardous.</p>
<p>(2). Waste Holding and Handling</p> <p>BFI Colonial must treat the leachate as hazardous waste until the verification testing is completed, as specified in conditions (1)(A)-(1)(D), and the leachate has satisfied the delisting criteria, as specified in condition (3). If the levels of constituents in the samples of leachate are below all of the applicable levels set forth in condition (3), then the leachate thereby becomes nonhazardous solid waste and may be managed and disposed of in accordance with all applicable solid waste regulations. If hazardous constituent levels in any monthly composite or other representative sample equal or exceed any of the delisting levels set in condition (3), the leachate must be managed and disposed of in accordance with Subtitle C of RCRA until the leachate meets the delisting levels. BFI Colonial must repeat the analyses for the constituents listed in conditions (3)(A) and (3)(B) prior to disposal.</p>
<p>(3). Delisting Levels</p> <p>Concentrations in conditions (3)(A) and (3)(B) must be measured in the extract from the samples by the method specified in LAC 33:V.4903.E. All leachable concentrations in the extract must be less than the following levels (all units are milligrams per liter).</p>
<p>(3)(A). Inorganic Constituents (all units are milligrams per liter)</p> <p>Antimony—0.082; Arsenic—0.38; Barium—22.2; Cadmium—0.06; Chromium—0.50; Cobalt—27; Copper—0.50; Lead—0.50; Nickel—5.0; Silver—0.50; Thallium—0.34; Tin—225; Vanadium—8.38; Zinc—50.0.</p>
<p>(3)(B). Organic Constituents (all units are milligrams per liter)</p> <p>Acenaphthene—3.0; Anthracene—0.20; Benzene—0.018; Bis (2-ethylhexyl) phthalate—6.74; 2-Butanone—5.0; m, p-Cresol—7.88; o-Cresol—7.88; Diethyl phthalate—18.6; Ethylbenzene—8.4; 2-Hexanone—6.3; Methyl isobutyl ketone—5.0; 2-Methylnaphthalene—5.0; Naphthalene—0.96; Phenanthrene—1.0; Phenol—50.; Toluene—1.0; Xylenes (total)—1.0.</p>
<p>(4). Changes in Operating Conditions</p> <p>If BFI Colonial significantly changes the operating conditions specified in the petition, BFI Colonial must notify the department in writing. Following receipt of written approval by the department, BFI Colonial must re-institute the testing required in conditions (1)(A) and (1)(C) for a minimum of four consecutive months. BFI Colonial must report unit operating conditions and test data required by conditions (1)(A) and (1)(C), including quality control data, obtained during this period no later than 60 days after the changes take place. Following written notification by the department, BFI Colonial may replace testing conditions (1)(A) and (1)(C) with (1)(B) and (1)(D). BFI Colonial must fulfill all other requirements in condition (1).</p>

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.~~

~~HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:2509 (November 2000), LR29:1084 (July 2003), repromulgated LR 29:1475 (August 2003), amended by the Office of Environmental Assessment, LR 30:2464 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:445 (March 2007).~~

~~Herman Robinson, CPM
Executive Counsel~~

~~0703#017~~

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Exemption for Drums Storing Pyrophoric Catalyst (LAC 33:III.2103)(AQ272)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.2103 (Log #AQ272).

This Rule exempts drums storing pyrophoric catalyst at the Vistalon Production Facility of ExxonMobil Chemical Company Baton Rouge Chemical Plant from the submerged fill pipe provisions of LAC 33:III.2103.A. Existing drums are currently operating under Permit No. 2376-VO, issued April 4, 2006, and are identified as follows: EQT583, T-3304A - Catalyst Drum (VCD-107A), 9400 gallons; EQT584, T-3304B - Catalyst Drum (VCD-107B), 9400 gallons; EQT585, T-3304C - Catalyst Drum (VCD-107C), 4700 gallons; EQT586, T-3304D - Catalyst Drum (VCD-107D), 4700 gallons. The drums in question are used to store an alkyl catalyst that is very pyrophoric in nature; the material can spontaneously ignite if exposed to even trace levels of oxygen and moisture. It has been decided that these tanks do not qualify as pressure vessels because of the frequency at which they vent to the atmosphere (every 1 to 1.5 days). As such, they would normally be subject to the submerged fill pipe provisions of LAC 33:III.2103.A, which seeks to prevent vapor or gas loss to the atmosphere during filling operations. Any overpressure in a closed storage system fed through a submerged fill pipe could lead to materials backing up into and possibly overfilling delivery equipment or other upstream facilities, causing a dangerous condition in the case of this kind of catalyst. Therefore, the manufacturer of the catalyst has recommended that the material be transferred using a free-fall method. No increase in actual emissions above current levels will be authorized by this Rule. The basis and rationale for this Rule are to provide drums storing pyrophoric catalyst with an exemption from regulations with which strict conformity would create an unreasonable risk to public health, welfare, and safety.

Title 33
ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - G.3. ...

4. JP-4 fuels stored in horizontal underground tanks;
5. with regard to the requirements of Paragraph C.1 of this Section, any storage tank that is used for less than two weeks in the calendar year, provided that the tank is empty and liquid-free when not in use; and
6. with regard to the submerged fill pipe provisions of Subsection A of this Section, tanks, drums, or other containers storing pyrophoric catalyst at the Vistalon Production Facility of ExxonMobil Chemical Company's Baton Rouge Chemical Plant.

H. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:447 (March 2007).

Herman Robinson, CPM
Executive Counsel

0703#016

RULE

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Immovable Property Environmental Reviews/No Further Action (LAC 33:I.Chapter 12)(OS072)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has adopted the Office of the Secretary regulations, LAC 33:I.Chapter 12 (Log #OS072).

This Rule was authorized by Act 778 of the 2006 Regular Session of the Louisiana Legislature. The Rule provides a procedure for and establishes a fee for reviews by the department of reports of environmental conditions at specified tracts of immovable property when such reports from site investigations are not required or requested by the department. Implementation of the fee will allow the department to recover costs of staff time and administrative processing of these requests. The basis and rationale for this

Rule are to implement the provisions of Act 778 of the 2006 Regular Session of the Louisiana Legislature.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures
Chapter 12. Requests for Review of Environmental Conditions

§1201. Applicability and Scope

A. This Chapter applies to reviews by the department of reports of environmental conditions at specified tracts of immovable property when such reports from site investigations are not required or requested by the administrative authority.

B. Nothing herein shall be construed to diminish the responsibility of any person (e.g., owner, operator, employee, agent, contractor, or assign) having knowledge of the presence at any site of any hazardous substance, hazardous waste, hazardous waste constituent, or other pollutant or contaminant, to notify the department pursuant to LAC 33:I.Chapter 39. If additional information becomes available to indicate that the source of the release is a current discharge or a discharge that should have been reported, enforcement action may be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 20:2001, et seq., and specifically 2011(D)(25).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:447 (March 2007).

§1203. Procedure for Submittal of Request

A. All requests for reviews by the department of reports of environmental conditions shall be accompanied by an initial \$1500 minimum fee. All payments shall be made by check, draft, or money order payable to the Department of Environmental Quality.

B. Contents of Request. An applicant requesting a review of environmental conditions for specific immovable property shall furnish the following information:

1. the agency interest number or a completed agency interest form from the department identifying the facility/agency interest;
2. the area of investigation, if different from the facility/agency interest location;
3. the basis for the request;
4. the purpose of the use of the property and the date-range of the use;
5. a brief description of activities that occurred on the property;
6. the future intended use of the property;
7. the types and results of investigations that have occurred, including the following information:
 - a. report dates;
 - b. the media investigated;
 - c. the constituents of concern (COC);
 - d. the maximum remaining concentration of the COC; and
 - e. the limiting RECAP standards for the COC;

DEPARTMENT OF ENVIRONMENTAL QUALITY

AQ272

* * * * *

The above-entitled cause came in for a
Hearing in the Oliver Pollock Room, Galvez
Conference Room, 602 N. 5th Street, Baton
Rouge, Louisiana 70802, on Wednesday,
January 24, 2007, commencing at 1:30 p.m.

REPORTED BY:

TARA TORRES

CERTIFIED COURT REPORTER IN
AND FOR THE STATE OF
LOUISIANA

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FEB 16 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

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I N D E X

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1 MS. STEPHENS:

2 Good afternoon. My name is
3 Sandy Stephens and I'm employed with
4 the Louisiana Department of
5 Environmental Quality. I'll be
6 serving as hearing officer this
7 afternoon to receive comments
8 regarding proposed amendments to the
9 Environmental Quality regulations,
10 the Pointe Coupee Parish Ozone
11 Maintenance Plan and the Water
12 Quality Management Plan.

13 The comment period for all of
14 these revisions began on December
15 20, 2006, when the notices of intent
16 and Potpourri notices were published
17 in the Louisiana Register. The
18 comment periods will close at 4:30
19 p.m., January 31, 2007, for Log
20 Numbers AQ256, AQ271, AQ272, HW091P,
21 HW092, OS071S, OS072, and the Pointe
22 Coupee Parish Ozone Maintenance
23 Plan.

24 The comment periods will close
25 at 4:30 p.m. February 15, 2007 for

1 the Log Number WQ054 and the Water Quality
2 Management Plan Revision. The comment
3 period will close at 4:30 p.m., February
4 28, 2007, for Log Number SW037. The
5 comment period will close at 4:30 p.m. on
6 March 6, 2007, for Log Number DPS001.

7 The third amendment is
8 designated by the Log Number AQ272.
9 This rule exempts drums storing
10 pyrophoric catalyst at the Vistalon
11 Production Facility of Exxon Mobil
12 Chemical Company Baton Rouge
13 Chemical Plant from the submerged
14 fill pipe provisions of LAC
15 33:III.2103.A.

16 Existing drums are currently
17 operating under Permit Number 2376-
18 VO, issued April 4, 2006 and are
19 identified as follows. EQ2 -
20 EQT583, T-3304A Catalyst Drum VCD-
21 107A, 9400 gallons, EQT584, T-3304B
22 Catalyst Drum VCD-107B, 9400
23 gallons, EQT585, T-3304C Catalyst
24 Drum VCD-107C, 4700 gallons and
25 EQT586, T-3304D Catalyst Drum VCD-

1 107D, 4700 gallons.

2 The drums in question are used
3 to store an alkyl catalyst that is
4 very pyrophoric in nature. The
5 material can spontaneously ignite if
6 exposed to even trace levels of
7 oxygen and moisture. It has been
8 decided that these tanks do not
9 qualify as pressure vessels because
10 of the frequency at which they vent
11 to the atmosphere every one to one
12 and a half days.

13 As such, they would normally be
14 subject to the submerged fill pipe
15 provisions of LAC 33:III.2103.A,
16 which seeks to prevent vapor or gas
17 loss to the atmosphere during
18 filling operations.

19 Any over pressure in a closed
20 storage system fed through a
21 submerged fill pipe could lead to
22 materials backing up into and
23 possibly overfilling delivery
24 equipment or other upstream
25 facilities, causing a dangerous

1 condition in the case of this kind
2 of catalyst.

3 Therefore, the manufacturer of
4 the catalyst has recommended that
5 the material be transferred using a
6 free-fall method. No increase in
7 actual emissions above current
8 levels will be authorized by this
9 rule.

10 Does anyone care to comment on
11 this amendment? In not, the hearing
12 on AQ272 us closed. Thank you for
13 your attention and participation.

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R E P O R T E R ' S P A G E

I, Tara Torres, Certified Court

1 Reporter, in and for the State of
2 Louisiana, the officer, as defined in Rule
3 28 of the Federal Rules of Civil Procedure
4 and/or Article 1434(b) of the Louisiana
5 Code of Civil Procedure, before whom this
6 sworn testimony was taken, do hereby state
7 on the Record:

8 That due to the interaction in the
9 spontaneous discourse of this proceeding,
10 dashes (--) have been used to indicate
11 pauses, changes in thought, and/or
12 talkovers; that same is the proper method
13 for a Court Reporter's transcription of
14 proceeding, and that the dashes (--) do not
15 indicate that words or phrases have been
16 left out of this transcript;

17 That any words and/or names which
18 could not be verified through reference
19 material have been denoted with the phrase
20 "(phonetic)".

21

22

Tara Torres, CCR

23

Certified Court Reporter

24

25

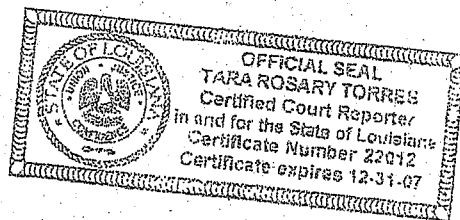
7
C E R T I F I C A T E

1
2 This certification is valid only for a
3 transcript accompanied by my original signature and
4 original raised seal on this page.

5 That this testimony was reported by me in the
6 Stenomask method (voice-writing), was prepared and
7 transcribed by me or under my personal direction
8 and supervision, and is a true and correct
9 transcript to the best of my ability and
10 understanding;

11 That I am not related to counsel or to the
12 parties herein; am not otherwise interested in the
13 outcome of this matter; and am a valid member in
14 good standing of the Louisiana State Board of
15 Examiners of Certified Shorthand Reporters.

16 Tara Torres
17 Tara Torres (#22012)
18 Certified Court Reporter



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12/10/06

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DEC 18 2006

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECT

Affidavit of Publication

NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Exemption for Drums
Storing Pyrophoric
Catalyst
LAC 33:111.2103
(272)

Under the authority of

Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:50 et seq., the secretary gives notice that making procedures have been initiated to amend the Air regulations, LAC 33:111.2103 (272).

This rule exempts drums storing pyrophoric catalyst at the station Production Facility of ExxonMobil Chemical Company, Baton Rouge, Louisiana, from the submerged fill pipe provisions of LAC 33:111.2103.A. Existing drums are currently operating under Permit No. 2376-VO, issued April 4, 2006, and are identified as follows:

QT583, T-3304A - Catalyst Drum (VCD-107A), 400 gallons; EQT584, T-3304B - Catalyst Drum (VCD-107B), 9400 gallons; EQT585, T-3304C - Catalyst Drum (VCD-107C), 4700 gallons; EQT586, T-3304D - Catalyst Drum (VCD-107D), 4700 gallons. The drums in question are used to store an alkyl catalyst that is very pyrophoric in nature; the material can spontaneously ignite if exposed to even trace levels of oxygen and moisture. It has been decided that these tanks do not qualify as pressure vessels because of the frequency at which they vent to the atmosphere (every 1 to 1.5 days). As such, they would normally be subject to the submerged fill pipe provisions of LAC 33:111.2103.A, which seeks to prevent vapor or gas loss to the atmosphere during filling operations. Any overpressure in a closed storage system fed through a submerged fill pipe could lead to materials backing up into and possibly overfilling delivery equipment or other upstream facilities, causing a dangerous condition in the case of this kind of catalyst. Therefore, the manufacturer of the catalyst has recommended that the material be transferred using a free-fall method. To increase in actual emissions above current levels will be authorized by this rule. The basis and rationale for this rule are to provide drums storing pyrophoric catalyst with an exemption from regulations with which strict conformity would create an unreasonable risk to public health, welfare, and safety.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 24, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ272. Such comments must be received no later than January 31, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ272. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471. Herman Robinson, CPM, Executive Counsel December 15 00315126

STATE OF LOUISIANA

Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Maulana Bergeron
who being duly sworn, deposes and says:

He/She is a duly authorized agent of

LAKE CHARLES AMERICAN PRESS

a newspaper published daily at 4900 Highway 90 East,

Lake Charles, Louisiana, 70615. (Mail address: P.O. Box 2893

Lake Charles, LA 70602)

The attached Notice was published in said newspaper in its issue(s) dated:

00315126 - \$46.00 AQ272

December 15, 2006

Maulana Bergeron

Duly Authorized Agent

Subscribed and sworn to before me on this 15th day of December, 2006 at Lake Charles, LA

Gwendolyn R. Dugas

00053262

LA. DEQ OSEC/LARD

00053262

LA. DEQ OSEC/LARD
REGULATION DEVELOPMENT

Notary Public

Gwendolyn R. Dugas

00053262

JAN 22 2007

The Times-Picayune

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECT

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

AQ272

NOTICE OF INTENT

Department of Environmental
Quality
Office of the Secretary
Legal Affairs Division

Exemption for Drums Storing
Pyrophoric Catalyst
(LAC 33:III.2103) (AQ272)

Under the authority of the
Environmental Quality Act, R.S.
30:2001 et seq., and in
accordance with the provisions
of the Administrative Procedure
Act, R.S. 49:950 et seq., the
secretary gives notice that
rulemaking procedures have
been initiated to amend the Air
Regulations, LAC 33:III.2103 (Log
#AQ272).

This rule exempts drums storing
pyrophoric catalyst at the
Visitation Production Facility of
ExxonMobil Chemical Company
Baton Rouge Chemical Plant
from the submerged fill pipe
provisions of LAC 33:III.2103.A.
Existing drums are currently
operating under Permit No.
2376-VO, issued April 4, 2006,
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Drum (VCD-107A), 9400 gallons;
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Drum (VCD-107B), 9400 gallons;
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Drum (VCD-107C), 4700 gallons;
EQTS586, T-3304D, Catalyst
Drum (VCD-107D), 4700 gallons.
The drums in question are used
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This proposed rule meets an
exception listed in R.S.
30:2019(D)(2) and R.S.
49:953(G)(3); therefore, no
report regarding
environmental/health benefits
and social/economic costs is
required. This proposed rule has
no known impact on family
formation, stability, and
autonomy as described in R.S.
49:972.

A public hearing will be held on
January 24, 2007, at 1:30 p.m. in
the Galvez Building, Oliver
Pollock Conference Room, 602
N. Fifth Street, Baton Rouge, LA
70802. Interested persons are
invited to attend and submit oral
comments on the proposed
amendments. Should individuals
with a disability need an
accommodation in order to
participate, contact Judith A.
Schuerman, Ph.D., at the
address given below or at (225)
219-3550. Parking in the Galvez
Garage is free with a validated
parking ticket.

All interested persons are
invited to submit written
comments on the proposed
regulation. Persons commenting
should reference this proposed
regulation by AQ272. Such
comments must be received no
later than January 31, 2007, at
4:30 p.m., and should be sent to
Judith A. Schuerman, Ph.D.,
Office of the Secretary, Legal
Affairs Division, Box 4302, Baton
Rouge, LA 70821-4302 or to
FAX (225) 219-3582 or by e-mail
to judith.schuerman@la.gov.
Copies of this proposed
regulation can be purchased by
contacting the DEQ Public
Records Center at (225)
219-3168. Check or money order
is required in advance for each
copy of AQ272. This regulation
is available on the Internet at
www.deqlouisiana.gov/portal/
tabid/1669/default.aspx.

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available for inspection at the
following DEQ office locations
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N. Fifth Street, Baton Rouge, LA
70802; 1823 Highway 546, West
Monroe, LA 71292; State Office
Building, 1525 Fairfield Avenue,
Shreveport, LA 71101; 1301
Gadwall Street, Lake Charles,
LA 70601; 111 New Center
Drive, Lafayette, LA 70508; 110
Barataria Street, Lockport, LA
70374; 645 N. Lotus Drive, Sulite
C. Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the
parish of Orleans, Robert J. Chiasson who deposes and
says that he is the Accounts Receivable Manager, of The
Times-Picayune Publishing Corporation, a Louisiana
Corporation, Publishers of The Times-Picayune, Daily and
Sunday, of general circulation; doing business in the City
of New Orleans and the State of Louisiana, and that the
attached **LEGAL NOTICE**

Re: Notice of Intent DEQ Exemption for Drums Storing
Pyrophoric Catalyst LAC 33:III.2103 AQ272

Advertisement of Office of Environmental Quality

P.O. BOX 4302
Baton Rouge, La. 70821

Was published in The Times Picayune

3800 Howard Ave.
New Orleans, La. 70125

On the following dates December 20, 2006

Sworn to and subscribed before me this

19th Day of January, 2007

Robert J. Chiasson

Charles A. Ferguson, Jr.
Notary Public

My commission expires at my death.
Charles A. Ferguson, Jr.

CERTIFIED COPY

RECEIVED

JAN 30 2007

LDES/OSEC/LAD
REGULATION DEVELOPMENT SEC

Publisher of

THE NEWS-STAR
MONROE, LOUISIANA
PROOF OF PUBLICATION

The hereto attached advertisement
Was published in the NEWS-STAR.
A daily newspaper of general circulation.
Published in Monroe, Louisiana.
Parish of Ouachita in the issues of:

December 14, 2006
Christina

LEGAL AD DEPT.

Sworn and subscribed before me by

The person whose signature appears above in Monroe, LA on this

24 day of January 20 07 AD

SLT

Steven L. Turner # 43154

NOTARY PUBLIC

Drum (VCD-107C), 4700 gallons;
EQT588, T-3304D - Catalyst
Drum (VCD-107D), 4700 gallons.
The drums in question are used
to store an alkyl catalyst that is
very pyrophoric in nature; the
material can spontaneously ig-
nite if exposed to even trace
levels of oxygen and moisture. It
has been decided that these
tanks do not qualify as pressure
vessels because of the frequen-
cy at which they vent to the at-
mosphere (every 1 to 1.5 days).
As such, they would normally be
subject to the submerged fill
pipe provisions of LAC
33:III.2103.A, which seeks to
prevent vapor or gas loss to the
atmosphere during filling opera-
tions. Any overpressure in a
closed storage system fed
through a submerged fill pipe
could lead to materials backing
up into and possibly overflowing
delivery equipment or other up-
stream facilities, causing a dan-
gerous condition in the case of
this kind of catalyst. Therefore,
the manufacturer of the catalyst
has recommended that the ma-
terial be transferred using a
free-fall method. No increase in
actual emissions above current
levels will be authorized by this
rule. The basis and rationale for
this rule are to provide drums
storing pyrophoric catalyst with
an exemption from regulations
with which strict conformity
would create an unreasonable
risk to public health, welfare, and
safety.

This proposed rule meets an ex-
ception listed in R.S.
30:2019(D)(2) and R.S.
49:953(G)(3); therefore, no report
regarding environmental/health
benefits and social/economic
costs is required. This proposed
rule has no known impact on
family formation, stability, and
autonomy as described in R.S.
49:972.

A public hearing will be held on
January 24, 2007, at 1:30 p.m. in
the Galvez Building, Oliver Pol-
lock Conference Room, 602 N.
Fifth Street, Baton Rouge, LA
70802. Interested persons are
invited to attend and submit oral
comments on the proposed
amendments. Should individu-
als with a disability need an ac-
commodation in order to partici-
pate, contact Judith A.
Schuerman, Ph.D., at the ad-
dress given below or at (225)
219-3550. Parking in the Galvez

Garage is free with a validated
parking ticket.

All interested persons are invited
to submit written comments on
the proposed regulation. Per-
sons commenting should refer-
ence this proposed regulation by
AQ272. Such comments must
be received no later than Januar-
y 31, 2007, at 4:30 p.m., and
should be sent to Judith A.
Schuerman, Ph.D., Office of the
Secretary, Legal Affairs Division,
Box 4302, Baton Rouge, LA
70821-4302 or to fax (225)
219-3582 or by e-mail to ju-
dith.schuerman@la.gov. Copies
of this proposed regulation can
be purchased by contacting the
DEQ Public Records Center at
(225) 219-3168. Check or money
order is required in advance for
each copy of AQ272. This regu-
lation is available on the Internet
at www.deq.louisiana.gov/portal/Tabid/1669/default.aspx.

This proposed regulation is
available for inspection at the
following DEQ office locations
from 8 a.m. until 4:30 p.m.: 602
N. Fifth Street, Baton Rouge, LA
70802; 1823 Highway 646, West
Monroe, LA 71292; State Office
Building, 1525 Fairfield Avenue,
Shreveport, LA 71101; 1301
Gadwall Street, Lake Charles, LA
70615; 111 New Center Drive,
Lafayette, LA 70508; 110
Barataria Street, Lakeport, LA
70374; 645 N. Lotus Drive, Suite
C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

Monroe, LA
December 14, 2006

The Times

RECEIVED

DEC 27 2006

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

PROOF OF PUBLICATION

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Exemption for Drums Storing
Pyrophoric Catalyst
(LAC 33:III.2103)
(AQ272)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2103 (Log #AQ272).

This rule exempts drums storing pyrophoric catalyst at the Vistalon Production Facility of ExxonMobil Chemical Company, Baton Rouge Chemical Plant, from the submerged fill pipe provisions of LAC 33:III.2103.A. Existing drums are currently operating under Permit No. 2376-VO, issued April 4, 2006, and are identified as follows: EQT583, T-3304A Catalyst Drum (VCD-107A), 9400 gallons; EQT584, T-3304B Catalyst Drum (VCD-07B), 9400 gallons; EQT585, T-3304C Catalyst Drum (VCD-107C), 4700 gallons; EQT586, T-3304D Catalyst Drum (VCD-107D), 4700 gallons. The drums in question are used to store an alkyl catalyst that is very pyrophoric in nature; the material can spontaneously ignite if exposed to even trace levels of oxygen and moisture. It has been decided that these tanks do not qualify as pressure vessels because of the frequency at which they vent to the atmosphere (every 1 to 1.5 days). As such, they would normally be subject to the submerged fill pipe provisions of LAC 33:III.2103.A, which seeks to prevent vapor or gas loss to the atmosphere during filling operations. Any overpressure in a closed storage system fed through a submerged fill pipe could lead to materials backing up into and possibly overfilling delivery equipment or other upstream facilities, causing a dangerous condition in the case of this kind of catalyst. Therefore, the manufacturer of the catalyst has recommended that the material be transferred using a free-fall method. No increase in actual emissions above current levels will be authorized by this rule. The basis and rationale for this rule are to provide drums storing pyrophoric catalyst with an exemption from regulations with which strict conformi-

STATE OF LOUISIANA

PARISH OF CADDO

Before me, the undersigned authority, personally came and appeared

Altheas Critton

personally known to me,

Who being duly sworn, deposes and says that she is the Assistant to the Classified Advertising Manager of The Times, and that the attached Advertisement entitled:

NOTICE OF INTENT (AQ272)

As per copy of advertisement hereto annexed, was published in The Times on the following dates to wit:

December 19, 2006

(Signed) Altheas Critton

Sworn to and subscribed before me this 19th day of December, 2006

Althea C Goodwin

ALTHEA C. GOODWIN, NOTARY PUBLIC # 68131

BOSSIER PARISH, LOUISIANA

MY COMMISSION IS FOR LIFE

(Notary)



This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 24, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ272. Such comments must be received no later than January 31, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302, or to FAX: (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ272. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until

4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

The Times
December 19, 2006

DEC 27 2006

AFFIDAVIT OF PUBLICATION

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Exemption for Drums
Storing Pyrophoric
Catalyst
(LAC 33:III.2103)
(AQ272)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2103 (Log #AQ272).

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I, Bill Buschmann, Advertising Sales Manager

of THE TOWN TALK, published at Alexandria,

Louisiana do solemnly swear that the

Public Notice AQ272

advertisement, as per clipping attached, was

published in the regular and entire issue of said

newspaper, and not in any supplement thereof

for one insertion(s) commencing with the issue

dated December 20, 2006 and ending with the

issue dated December 20, 2006.

Bill Buschmann

Subscribed and sworn to before me

this 20th day of December, 2006

Notary Number 019888

CAPITAL CITY PRESS

Publisher of
THE ADVOCATE

CERTIFIED COPY
#0 1/10/02

RECEIVED

JAN 10 2007

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECTION

AQ272

PROOF OF PUBLICATION

The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the official Journal of the State of Louisiana, the City of Baton Rouge, and the Parish of East Baton Rouge, in the following issues:

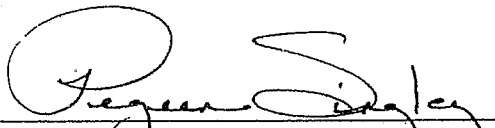
12/18/06



Susan A. Bush, Public Notices Clerk

Sworn and subscribed before me by the person whose signature appears above:

December 18, 2006



Pegeen Singley, Notary Public, #66565
My Commission Expires: Indefinite
Baton Rouge, Louisiana

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Exemption for Drums
Storing Pyrophoric
Catalyst
(LAC 33:111.2103) (AQ272)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:111.2103 (Log #AQ272).

This rule exempts drums storing pyrophoric catalyst at the Vistalon Production Facility of ExxonMobil Chemical Company Baton Rouge Chemical Plant from the submerged fill pipe provisions of LAC 33:111.2103.A.

Existing drums are currently operating under Permit No. 2376-V0, issued April 4, 2005, and are identified as follows: EOT583, T-3304A - Catalyst Drum (VCD-107A), 9400 gallons; EOT584, T-3304B - Catalyst Drum (VCD-107B), 9400 gallons; EOT585, T-3304C - Catalyst Drum (VCD-107C), 4700 gallons; EOT586, T-3304D - Catalyst Drum (VCD-107D), 4700 gallons.

The drums in question are used to store an alkyl catalyst that is very pyrophoric in nature; the material can spontaneously ignite if exposed to even trace levels of oxygen and moisture.

It has been decided that these tanks do not qualify as pressure vessels because of the frequency at which they vent to the atmosphere (every 1 to 1.5 days).

As such, they would normally be subject to the submerged fill pipe provisions of LAC 33:111.2103.A, which seeks to prevent vapor or gas loss to the atmosphere during filling operations.

Any overpressure in a closed storage system fed through a submerged fill pipe could lead to materials backing up into and possibly overfilling delivery equipment or other upstream facilities, causing a dangerous condition in the case of this kind of catalyst.

Therefore, the manufacturer of the catalyst has recommended that the material be transferred using a free-fall method.

No increase in actual emissions above current levels will be authorized by this rule.

The basis and rationale for this rule are to provide drums storing pyrophoric catalyst with an exemption from regulations with which strict conformity would create an unreasonable risk to public health, welfare, and safety.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2), and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 24, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802.

Interested persons are invited to attend and submit oral comments on the proposed amendments.

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Herman Robinson, CPM
Executive Counsel

3524071-dec 18-1t

DEQ - OSEC/LARD REGULATION
REMENDER WEATHERSPOON
PO BOX 4302
BATON ROUGE

3524071

LA 70821-4314

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1/10/07

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DEC 18 2006

Acadiana's Daily Newspaper

LDEQ/OSEC/LAD
REGULATION DEVELOPMENT SECT

THE ADVERTISER

1100 Bertrand Drive
LAFAYETTE, LA 70506

PHONE: (337) 289-6300
FAX: (337) 289-6466

AFFIDAVIT OF PUBLICATION

Remender D. Weatherspoon
LA Department of Environmental Quality
OSEC/Legal Affairs Division/
Regulation Development Section
P. O. Box 4302
Baton Rouge, LA 70821-4302

Account No.: 8DEQRD
Ad Number: 703598
Ad Total: \$94.55
No. of Lines: 215
Reference No.: Visa Purchase

**To insure proper credit please refer to your account number
and/or ad number when making payment. Remittance address:
P.O. Box 3268, Lafayette, LA 70502-3268

I, ROSE PENFOLD, do solemnly swear that I am the LEGAL CLERK of THE ADVERTISER,
a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and
that from my personal knowledge and reference to the files of said publication, the advertisement of

NOTICE OF INTENT

Department of Environmental Quality

Office of the Secretary

Legal Affairs Division

Exemption for Drums Storing Pyrophoric Catalyst

(LAC 33:III.2103) (AQ272)

was published in **THE ADVERTISER** on the following dates:

*Friday, December 15, 2006

Rose Penfold

ROSE PENFOLD
LEGAL CLERK

Sworn to and subscribed before me this 15 day of December, 2006.

Lisa R. Thibodeaux

NOTARY PUBLIC - ID#014079

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Exemption for Drums
Storing Pyrophoric
Catalyst
(LAC 33:III.2103)
(AQ272)

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Herman Robinson,
CPM
Executive Counsel

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Exemption for Drums Storing Pyrophoric Catalyst (LAC 33:III.2103)(AQ272)

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Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2103. Storage of Volatile Organic Compounds

A. - G.3. ...

4. JP-4 fuels stored in horizontal underground tanks;
5. with regard to the requirements of Paragraph C.1 of this Section, any storage tank that is used for less than two weeks in the calendar year, provided that the tank is empty and liquid-free when not in use; and
6. with regard to the submerged fill pipe provisions of Subsection A of this Section, tanks, drums, or other containers storing pyrophoric catalyst at the Vistalon

Production Facility of ExxonMobil Chemical Company's Baton Rouge Chemical Plant.

H. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 15:1065 (December 1989), repromulgated LR 16:27 (January 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:360 (April 1991), LR 18:1121 (October 1992), LR 20:1376 (December 1994), LR 21:1223 (November 1995), repromulgated LR 21:1333 (December 1995), amended LR 22:453 (June 1996), LR 22:1212 (December 1996), LR 24:20 (January 1998), LR 24:2242 (December 1998), LR 25:657 (April 1999), LR 25:852 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2452 (November 2000), LR 28:1763 (August 2002), LR 30:1671 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2439 (October 2005), LR 33:

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on January 24, 2007, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ272. Such comments must be received no later than January 31, 2007, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ272. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Exemption for Drums Storing
Pyrophoric Catalyst**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will be no costs or savings to state or local governmental units as a result of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
This rule is limited in scope, affecting only drums storing pyrophoric catalyst at the Vistalon Production Facility of ExxonMobil Chemical Company's Baton Rouge Chemical Plant. No effect on costs, including workload adjustments or additional paperwork, is expected.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition; no effect on employment in the public or private sector will be realized.

Herman Robinson, CPM
Executive Counsel
0612#073

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division**

Immovable Property Environmental Reviews/No Further
Action (LAC 33:I.Chapter 12)(OS072)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to adopt the Office of the Secretary regulations, LAC 33:I.Chapter 12 (Log #OS072).

This rule was authorized by Act 778 of the 2006 Regular Session of the Louisiana Legislature. The Rule provides a procedure for and establishes a fee for reviews by the department of reports of environmental conditions at specified tracts of immovable property when such reports from site investigations are not required or requested by the department. Implementation of the fee will allow the department to recover costs of staff time and administrative processing of these requests. The basis and rationale for this Rule are to implement the provisions of Act 778 of the 2006 Regular Session of the Louisiana Legislature.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33
ENVIRONMENTAL QUALITY**

Part I. Office of the Secretary

**Subpart 1. Departmental Administrative Procedures
Chapter 12. Requests for Review of Environmental
Conditions**

§1201. Applicability and Scope

A. This Chapter applies to reviews by the department of reports of environmental conditions at specified tracts of immovable property when such reports from site investigations are not required or requested by the administrative authority.

B. Nothing herein shall be construed to diminish the responsibility of any person (e.g., owner, operator, employee, agent, contractor, or assign) having knowledge of the presence at any site of any hazardous substance, hazardous waste, hazardous waste constituent, or other pollutant or contaminant, to notify the department pursuant to LAC 33:I.Chapter 39. If additional information becomes available to indicate that the source of the release is a current discharge or a discharge that should have been reported, enforcement action may be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 20:2001, et seq., and specifically 2011(D)(25).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:

§1203. Procedure for Submittal of Request

A. All requests for reviews by the department of reports of environmental conditions shall be accompanied by an initial \$1500 minimum fee. All payments shall be made by check, draft, or money order payable to the Department of Environmental Quality.

B. Contents of Request. An applicant requesting a review of environmental conditions for specific immovable property shall furnish the following information:

1. the agency interest number or a completed agency interest form from the department identifying the facility/agency interest;
2. the area of investigation, if different from the facility/agency interest location;
3. the basis for the request;
4. the purpose of the use of the property and the date-range of the use;
5. a brief description of activities that occurred on the property;
6. the future intended use of the property;
7. the types and results of investigations that have occurred, including the following information:
 - a. report dates;
 - b. the media investigated;
 - c. the constituents of concern (COC);
 - d. the maximum remaining concentration of the COC; and
 - e. the limiting RECAP standards for the COC;
8. any remedial standards previously developed for the property;
9. any remedial actions taken for the property; and
10. any other information requested by the administrative authority.